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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Third periodic report of States parties due in 1997

Addendum

Latvia*

[14 September 1998]

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* This document contains the initial, second and third periodic reports of Latvia, due on 14 May 1993, 1995 and 1997, respectively, submitted in one document.

The annexes to the report submitted by the Government of Latvia may be consulted in the Secretariat's files.

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Introduction

1. In pursuance of article 9 of the Convention on the Elimination of All Forms of Racial Discrimination, the present report by the Republic of Latvia is submitted in accordance with the general guidelines adopted by the Committee on the Elimination of All Forms of Racial Discrimination on 9 April 1980, as revised at the 984th meeting on 19 March 1993 (CERD/C/70/Rev.3).

2. The instrument of ratification of the Convention was deposited by the Republic of Latvia with the United Nations Secretary General on 14 April 1992. The Convention entered into force for Latvia on 14 May 1992.

3. The report was prepared in a collaborative effort by the Ministries of Culture, Education and Science, Foreign Affairs, Interior, Justice and Welfare.

4. It should be noted that the Latvian Government is still building its reporting capacity. For the foreseeable future all national reports under treaty obligations will be prepared under the unified guidance of a special government representative. Regulations establishing such an entity were adopted by the Government on 17 March 1998, and the appropriate candidate is currently being discussed in the Government.

I. COMMENTS ON ARTICLE 1

5. There is no special Law prohibiting racial discrimination in Latvia. However, Latvian laws do contain the norms on the prohibition of discrimination as defined in the Convention.

6. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" of 10 December 1991 determines the rights and obligations of every resident of Latvia towards the State and society. Article 12 of the Law reads: "All persons in Latvia are equal under the law regardless of race, ethnicity, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin." Article 41 of the same Law reads: "Each person has the responsibility to observe the laws of the Republic of Latvia, to respect the customs and traditions of the Latvian people and of the ethnic groups living in Latvia, as well as to respect the ethnic pride of other persons."

7. On 19 March 1991, soon after the re-establishment of Latvia's independence, the Republic of Latvia Supreme Council passed the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups", which guarantees all ethnic groups living in Latvia all fundamental rights prescribed by international law. Article 1 of the Law states that all residents of the Republic of Latvia are guaranteed, regardless of their ethnicity, equal human rights which correspond to international standards. Furthermore, article 16 states that any activity directed towards national discrimination or the propagation of national superiority or national hatred is punishable in accordance with the law.

8. For the first time in the history of Latvia the law recognizes the ancient ethnic inhabitants of Latvia — the Livs. Article 4 of the above Law stipulates that the State authorities and administrative institutions are responsible for the preservation of the national identity and historical and cultural environment of Latvia's ancient nationality, the Livs, and for the renewal and development of the socioeconomic infrastructure of the territories inhabited by them. In order to ensure the implementation of this provision, on 4 February 1991 the Government established a specially protected territory with cultural and historical significance, "Liv Coast".

9. Concerning paragraphs 2 and 3 of article 1 of the Convention, the Government is ready to provide the Committee, its consideration of the present report, with the latest information, given the rapid developments in the sphere of citizenship legislation and differences between the rights of citizens and non-citizens, although it is not required by the Convention.

II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION

Article 2

10. Notwithstanding the difficulties related to citizenship and language policy and other contentious issues that have surfaced since the restoration of the independence, Latvia has enjoyed remarkable social, political and ethnic stability. The non-violent resolution has been a principle in every sphere: the end of the communist regime, the withdrawal of the Russian army, the restoration of the Constitution, consistent land and property reforms, a stable monetary policy and more.

11. A large-scale sociological survey project is being carried out by the Naturalization Board, the National Human Rights Office, the Citizenship and Migration Affairs Agency of the Ministry of Interior, the Ministry of Education and Science, the Institute of Philosophy and Sociology, the OSCE Mission in Latvia and the Soros Foundation, concerning the formation of the civil society in Latvia. The second part of the survey was recently made public. Various opinions of different national groups were incorporated. Four regional conferences have been held to address the issues raised in the survey. The results of this survey together with the recommendations made by these regional conferences will enable the Government to better understand the ongoing processes in Latvian society, and will be an important source of information for further elaboration of a nationwide integration programme. The information collected and the conclusions of these conferences were examined during the final conference, "Towards a Civil Society" which took place in Riga on 11 and 12 June 1998. Concrete proposals were made with regard to every specific theme under discussion, i.e. State and Population, Citizenship and Naturalization, Regional Policy, Education, Language, Migration and Repatriation, Mass Media.

12. The legislative effort is still ongoing: a draft of a special human rights section of the Constitution is currently being actively discussed at various levels, starting from the President of State, in political circles and in the mass media.

13. The legal framework for racial non-discrimination is enshrined in the Constitutional Law described under the comments on article 1 above; idem for the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups".

14. The European Convention for the Protection of Human Rights and Fundamental Freedoms was ratified by the Republic of Latvia on 4 June 1997. This Convention sets forth the prohibition of non-discrimination on any ground, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (art. 14).

15. Several agreements on the cooperation in the sphere of culture and education have been concluded between Latvia and the countries of origin of respective ethnic minorities. Such cooperation is most effective with Poland, Lithuania and Estonia.

16. The institutional framework comprises various organizations. The Saeima (Parliament) Standing Committee on Human Rights and Social Affairs has the task inter alia, of elaborating legal acts for the protection of human rights. Under the auspices of the President of State the Consultative Council of Nationalities 1/ has been established as a forum for discussing various aspects involving different ethnicities at the highest level. In order to develop integration policy further, the Government has established a ministerial Integration Council which has been instructed to draft by October a National Programme for the Integration of Society, which would emphasize the role of Latvian language teaching as an integrating factor and take note of the results of the large-scale research survey "Towards a Civil Society", published in March. There is a Division of National Affairs within the Department of Social and Religious Matters in the Ministry of Justice, one of whose tasks is to distribute the State budget allocations to National Cultural Associations as well as to promote dialogue between the Government and the Associations.

17. The National Human Rights Office - an independent institution to promote and protect human rights (the Law on the Office was passed in December 1996) - is given the mandate to raise awareness and promote understanding and observance of human rights; inquire into allegations of individual human rights violations in both public and private sectors; on its own initiative investigate human rights-related issues and problems in Latvia; advise on the compliance of Latvia's laws and practices with its national and international human rights obligations; and coordinate programmes which promote the observance of human rights. The Office is a national institution, which gives tangible expression to the conclusions of the World Conference on Human Rights, held in Vienna in 1993.

1/ In Latvian terms "citizenship" indicates a person's legal link with the State. The term "nationality" here is used to describe a person's ethnic origin.

Article 3

18. Apartheid, as referred to in article 3, is completely unknown in Latvia. There are no legal norms setting forth any kind of segregation and there is nc such practice either. The Criminal Code of Latvia prescribes criminal responsibility for genocide and crimes against the humanity (art. 68 1/), and violation of ethnic or racial equality (art. 69).

19. As regards the status of diplomatic, economic and other relations between Latvia and the racist regimes of southern Africa during 1948-1991, the Government wishes to state that in the said period the USSR exercised foreign policy on behalf of the occupied Republic of Latvia which does not consider itself the successor State of the Soviet Union. The diplomatic relations between *de jure* sovereign Republic of Latvia and South Africa were established on 4 November 1991. Latvia welcomes the transition to a democratic society in South Africa and since then has supported the activities of South Africa in various bodies of the United Nations and within the framework of multilateral agreements.

Article 4

20. The comments below are based upon the existing Criminal Code which is currently in force and contains extensive coverage of the norms of the Convention. However, it should be noted that a new Criminal Code has recently been adopted in the Parliament, and acts motivated by racism or racial discrimination are punishable also under the provisions of the new Criminal Code in a special part entitled "Crimes against Peace and Humanity".

21. The article 68 1/ of the existing Code stipulates that crimes against humanity, among them genocide, are deliberate acts committed with intent to destroy, in whole, or in part, a particular national, ethnical, racial or religious group by killing members of the group, causing severe bodily or mental harm to them, deliberately inflicting conditions of life calculated to bring their full or partial physical destruction, as well as depriving them of or limiting their economic, political and/or social human rights. The sentence shall be life imprisonment or incarceration for a period of 3-15 years.

22. Article 69 of the Criminal Code, "Violation of Ethnic and Racial Equality", prescribes criminal liability for deliberate actions with the purpose of inciting ethnic or racial hatred or discord or humiliating an ethnic group, as well as for deliberate actions aimed at the direct or indirect restriction of the rights of persons or creating direct or indirect privileges for persons because of their racial or ethnic affiliation. The sentence shall be:

(a) Imprisonment for six months to three years or a fine of up to 30 minimum wages for the actions described above;

(b) Imprisonment for six months to five years or a fine of up to 50 minimum wages, if the same actions were committed using violence, threats, or if they were committed by an official;

(c) Imprisonment of up to 10 years, if the same action was committed by a group or if they resulted in death or other serious consequences.

23. In accordance with the comments on the Latvian Criminal Code, the restriction of rights (direct or indirect) based on a person's ethnic origin, race or colour shall be interpreted to mean that a person cannot enjoy the rights, prescribed by law. Restrictions are direct if they are explicitly motivated by the person's race, colour or ethnic origin.

24. Providing direct or indirect advantages based on a person's race, colour or ethnic origin shall be interpreted as a restriction of the rights of other persons.

Dissemination of ideas based on racial superiority and hatred

25. The norms provided in article 69 of the Criminal Code "Violation of Ethnic and Racial Equality" shall be applied regardless of the form of expression of the punishable actions: in oral or written form, in the press, or in any other manner, in the presence of a more or less wide audience. Such an attitude may be directed against a race or a nation as a whole, as well as against its representative, on the grounds of his/her ethnic or racial affiliation. According to the official interpretation of the said article, incitement of ethnic hatred or discord may be manifested by attributing negative, shameful traditions or customs to a race or an ethnicity, by lodging false accusations about the claims/aspirations of the respective race or ethnicity against other ethnicities or the people belonging to them, or by characterizing some peculiarities of a race or ethnicity in an offensive or disrespectful manner.

26. In August 1995, criminal charges were brought against P. for the publication and distribution of Adolph Hitler's book, Mein Kampf. The investigation of the criminal case has not yet been completed.

27. In April 1998, legal proceedings were initiated under the provisions of article 69 on the basis of an evidently racially motivated inscription on the wall of the synagogue of Riga. The case is under investigation.

28. In March 1998, charges were brought against the editor-in-chief, N., of a newspaper and the author of the article, J., on the grounds of inciting ethnic or racial hatred or discord or humiliating an ethnic group. The case is under investigation.

Freedom of association

29. Article 13 of the Law "On Public Organizations and their Associations" stipulates that an organization shall not be registered if its charter or the actions of its members or of the organization as a whole contradict the Satversme (Constitution) or other laws, as well as international agreements to which Latvia is a party. The decision on the refusal of registration shall indicate the reasons for which the registration was refused. The decision on the suspension or refusal to register may be appealed against in court within 10 days from its receipt, as stated in article 14 of the Law.

30. A legal proceeding took place under the provisions of the said Law, where an organization challenged the decision to refuse registration alleging a racial motivation for the refusal. The complaint has passed all stages of the national jurisdiction and was lodged with the United Nations in autumn 1996 under the "1503" procedure. The case was dismissed in July 1997.

Prohibition of assistance to racist activities

31. The principle of equality is enshrined in article 12 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person": "All persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political conviction and religious belief, social standing, welfare standards, position and origin". There are no provisions in Latvian law allowing any preferential treatment on the basis of ethnic origin, race or colour. The prohibition of arbitrary treatment implied by the concept of equality is binding at all levels of administration.

Article 5

The right to equal treatment before the tribunals and all other organs administering justice

32. The right of all people residing in the Republic of Latvia to equal treatment before the courts irrespective of their race or ethnicity is guaranteed by the laws of the Republic of Latvia, in particular by the Constitutional Law "The Rights and Obligations of a Citizen and a Person", the Law "On the Judicial Power", the Latvian Criminal Procedure Code, the Latvian Civil Procedure Code, the Latvian Civil Law, the Code of Administrative Offences, the Latvian Labour Code and other legal acts.

33. Article 12 of the Constitutional Law, as mentioned before, guarantees equal treatment for all persons. Similar norms are enshrined in the Law "On Judicial Power", articles 3 and 4, which stipulate that all persons have the right to equal treatment before the law and the court and equal rights to legal protection. The court acts irrespective of the person's origin, social or material position, race or ethnicity, gender, education, language, attitude to religion, type and nature of employment, place of residence, political or other views.

34. Article 13 of the Latvian Criminal Procedure Code also includes a provision of equal treatment irrespective of the person's origin, social or material position, race or ethnicity, education, language, attitude to religion, type and nature of employment, place of residence.

35. Article 6 of the Latvian Civil Procedure Code stipulates that jurisdiction in civil cases is implemented following the principle of equal treatment before the law irrespective of the person's origin, social or material position, race or ethnicity, gender, education, language, attitude to religion, type and nature of employment, place of residence.

36. Article 1 of the Labour Code determines that equal treatment in labour relations has to be ensured irrespective of one's race, colour, gender, age, religious, political or other conviction, ethnic or social origin or material position.

37. The Latvian legislation respects the right of persons to use their native language at court hearings on civil and criminal cases. It is the responsibility of the court to ensure that a person who participates in the process but does not know the language used at court proceedings is given an opportunity to get acquainted with the materials of the case and to participate in the court hearings with the assistance of an interpreter, as well as the right to use the language of his choice (article 9 of the Civil Procedure Code; article 16 of the Criminal Procedure Code).

38. According to the data provided by the Personnel Department of the Ministry of Justice, 44 interpreters are employed on a permanent basis by 39 regional courts and 16 interpreters by 5 district (city) courts.

39. The Law on the State Language (art. 8) obliges public authorities and State administrative institutions, as well as agencies, enterprises and organizations, to accept and review documents received from residents in Latvian, English, German and Russian. A translation into the State language, verified by a notary, should be annexed to documents submitted in other languages. This legal norm applies also to the work of the courts in the Republic of Latvia.

Liberty and security of person

40. Liberty and security of person are guaranteed by chapter I (General Provisions) of the Constitutional Law "The Rights and Obligations of a Citizen and a Person". Article 1 of the said Law expressly states that: "A person, his/her life, freedom, honour and rights are the highest fundamental values in the State of Latvia". Article 2 of the same Law reads: "Each person has the right to any action which is not prohibited by law". Article 3 reads: "The State's responsibility is to protect each person, his/her life, freedom, security, honour, rights and property".

41. Article 162 1/ of the Latvian Criminal Code sets criminal responsibility for abuse of power - for deliberate actions of public officers which evidently exceed the limits of the rights and authority accorded to a public officer, if such actions have incurred a substantial damage to the State or society's interests. The aggravating circumstances clause is applied if such actions are connected with violence, use of weapons, or inflict suffering on and humiliate the victims.

42. Likewise, everyone has the right to self-defence. Self-defence is an action carried out by defending the interests of the Republic of Latvia, public interests, one's own or another person's rights, or by defending a person from sudden assault or from the threat of such assault in a manner causing harm to the assailant, provided the limits of self-defence are not exceeded. A person has the right to self-defence regardless of the opportunity to avoid the assailant or seek assistance from other persons or authorities. Exceeding the limits of self-defence shall mean obvious

disproportion between the nature of the assault and the danger as a result of which harm is done to the assailant which was not necessary to avert or repel the attack.

The right to vote and to be elected

43. The right to vote and to be elected is determined by the Satversme (Constitution), the Constitutional Law "The Rights and Obligations of a Citizen and a Person", the Law "On the Election to Saeima" (Parliament) and the Law "On the Elections to the City, Town and Pagasts (Rural Communities) Councils".

44. The right of persons to participate in the administration of the State is determined by article 8 of the Law "The Rights and Obligations of a Citizen and a Person": "Citizens shall participate in deciding matters of the State and the community directly or through freely elected representatives."

45. The Constitution provides the general and democratic principles of suffrage rights: "The Saeima (Parliament) shall be elected in general, equal, direct, secret and proportional elections" (art. 6). As stipulated in article 8 of the Constitution, citizens of Latvia who have reached the age of 18 by the election date have the right to elect the Parliament. Similar provision is included in article 1 of the Law "On the Election to Saeima". The Latvian law provides for deprivation of this right only in the case of persons in legal incapacity on the grounds of mental illness, feeblemindness and imprisonment.

46. Similar norms have been included also in the Law "On the Elections to the City, Town and *Pagasts* (Rural Communities) Councils": "The city council and the *pagasts* (rural community, county) council shall be elected in equal, direct, secret and proportional elections...". According to the said Law the citizens of Latvia who have reached the age of 18 by the election date have the right to participate in local government elections. The restrictive norms of the Law "On the Elections to Saeima" described above are identical to those of the Law "On the Elections to the City, Town and Pagasts (Rural Communities) Councils".

47. Concerning passive suffrage rights the Constitution determines that "every citizen of Latvia who is older than 21 years on the first day of elections may be elected to the Parliament" (art. 9). This norm is further specified in article 5 of the Law "On the Elections to Saeima", which determines that the following persons cannot be registered as candidates and elected to the Saeima, i.e. persons:

(a) Who have been recognized as incapacitated according to the procedure prescribed by law;

(b) Who are in prison;

(c) Who have been convicted for deliberate crimes, until they are discharged or the sentence revoked, except for rehabilitated persons;

(d) Who are or have been employees of the State security, intelligence or counter-intelligence services of the former USSR, Soviet Latvia or foreign countries;

(e) Who participated after 13 January 1991 in the activities of the Communist Party of the Soviet Union and in those of the following organizations: the International Front of the Working People of the Latvian SSR, the United Council of the Working Collectives, the Organization of the War and Work Veterans, the Pan-Latvian Salvation Committee;

(f) Do not know the State language according to the highest (third) degree of State language proficiency.

48. Similar restrictions have been established concerning elections for the city council and the *pagasts* (rural councils).

Equal access to the public service

49. According to Part 2 of article 8 of the Law "The Rights and Obligations of a Citizen and a Person", citizens of Latvia have equal rights to hold public posts. This principle is specified in the Law "On the Civil Service" regulating the legal status of civil servants and their labour relations.

50. There are people with different ethnic backgrounds in the Latvian civil service, criteria for eligibility being mastering the Latvian language at the highest level and citizenship. Every citizen has equal access to the public service on the basis of competitiveness and the equal opportunity principle. Moreover those non-citizens who were already employed as State officials are permitted to remain in their posts.

The right to freedom of movement and residence; the right to leave and return

51. Persons legally residing in the Republic of Latvia have no restrictions whatsoever on their freedom of movement and can freely choose their place of residence in the country. These rights are enshrined in articles 28 and 29 of the Constitutional Law "Rights and Obligations of a Citizen and a Person", which states that every person has the right to freely depart for or emigrate to foreign countries. Each person has the right to freely move within the territory of Latvia.

52. There is a special set of provisions in the Law "On the Status of Those Citizens of the Former USSR Who Are Not Citizens of Latvia or Any Other Country" which enables non-citizens to freely leave and return to Latvia. In the meantime, before they acquire any citizenship, their right to freedom of movement is ensured by issuing an internationally recognized Latvian travel document, according to the norms of the said Law. The same Law provides for the necessary legal provisions which enable non-citizens to choose freely their place of residence in Latvia (arts. 2, 3, 4).

53. According to article 9 of the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's Ethnicities and Ethnic Groups", the Republic

of Latvia guarantees the right to all its permanent residents, irrespective of their ethnic origin, to maintain contacts with compatriots in their historic homeland and other countries.

The right to a nationality

54. In October 1991, not long after the restoration of independence, the Parliament of Latvia passed a resolution "On the Restoration of the Rights of Citizens of the Republic of Latvia and the Basic Regulation for Naturalization," which restored Latvian citizenship to those who had it in pre-war Latvia and to their direct descendants regardless of ethnicity. This Law was a logical consequence of the principle of legal continuity of the Republic of Latvia.

55. In the beginning of 1998 the ethnic distribution among citizens and non-citizens is as shown in the table below.

Total number of residents of Latvia, by ethnicity (as of January 1998)

	Citizens of Latvia	Non-citizens *	Others	Total	%
Latvians	1 381 674	8 536	557	1 390 767	57.1
Russians	289 432	429 272	10 291	728 995	29.9
Belarusians	21 133	79 783	1 023	101 939	3.18
Ukrainians	4 876	59 763	1 788	66 427	2.72
Poles	39 205	22 083	447	61 735	2.53
Lithuanians	13 518	20 008	965	34 491	1.42
Jews	5 976	5 657	206	11 839	0.49
Gypsies	7 237	706	12	7 955	0.33
Germans	1 138	2 127	126	3 391	0.14
Estonians	1 406	1 202	170	2 778	0.11
Livs	187	1	0	188	0.01
Others	4 573	17 585	1 806	23 864	0.98
Total	1 770 355	646 723	17 391	2 434 469	100

* Persons to whom the Law "On the Status of Former USSR Citizens Who Are Not Citizens of Latvia or of Any Other Country" applies.

The right to marriage and choice of spouse

56. The general principle of entering into marriage in Latvia is based upon a free will to marry, equal legal rights, monogamy, heterosexuality. The right to a free marriage is guaranteed by article 36 of the Constitutional Law "On the Rights and Obligations of a Citizen and a Person".

57. The Civil Law grants equal rights to men and women in family matters and excludes discrimination on any grounds, including those of race, ethnicity or origin of a person.

58. Every person has the right to freely choose his or her future spouse and to enter into marriage solely with his/her full consent and free will. The

spouses, both women and men, are entitled to keep their own premarital name, to assume the name of the husband or the wife, or to add this name to the premarital name.

Ethnic structure of marriages performed in 1995 (in percentages)

Ethnicity of men	Ethnicity of women							
	Latvians	Russians	Belarusians	Ukrainians	Poles	Lithuanians	Jews	Others
Latvians	81.6	12.2	1.5	1.1	1.4	1.4	0.1	0.7
Russians	20.3	61.8	6.8	4.4	3.7	1.1	0.6	1.3
Belarusians	23.2	53.8	8.4	5.7	6.7	1.0	-	1.2
Ukrainians	23.1	53.1	4.6	9.0	3.0	1.6	1.0	4.0
Poles	25.9	47.9	5.8	4.2	12.3	1.9	0.8	1.2
Lithuanians	45.8	29.0	9.2	3.8	6.1	5.3	-	0.8
Jews	10.0	60.0	1.1	5.6	3.3	1.1	16.7	2.2
Others	36.2	39.8	3.2	4.4	4.0	2.4	0.8	9.2

59. During the last few years, in one third of all registered marriages (33.9 per cent in 1995) the spouses were of different ethnicities. There is a lower percentage of Latvians who marry representatives of other nations. In 1996, 34 per cent of all marriages were ethnically mixed, ranging from approximately 17 per cent for Latvians to about 90 per cent for Ukrainians, Belarusians, Lithuanians and Poles. Taking into account the very large number of mixed marriages, many people in Latvia have affiliations to more than one ethnic group.

The right to own property alone as well as in association with others; the right to inherit

60. Everyone is entitled to hold property and to inherit it, as stated in article 21 of the Constitutional Law "On Rights and Obligations of a Citizen and a Person". However, there are restrictions set forth by article 9 of the same Law: "Land and other natural resources may be transferred into ownership or sold only to citizens, except for those cases when Laws or international treaties ratified by the Saeima (Parliament) determine a different procedure".

61. Article 47 of the International Covenant on Civil and Political Rights strengthens the inherent rights of all peoples to enjoy and utilize freely their natural wealth and resources. Thus, the State may determine that land and other natural resources may only be sold to citizens. This does not apply to housing, which can be owned in full ownership by non-citizens.

62. In case the land or a real estate is inherited by a person who is not a citizen of Latvia, he/she can enjoy full ownership of the said property.

63. The Latvian legislation does not violate the prohibition of racial discrimination since it draws the distinction between citizens and non-citizens, as authorized by article 1, paragraph 2, of the Convention, and does not discriminate against a particular race, colour or ethnic origin.

The right to freedom of thought, conscience and religion

64. The freedom of religious conviction, to expression of views and the freedom of conscience of all persons are guaranteed by the Constitutional Law "The Rights and Obligations of a Citizen and a Person" and the Law "On Religious Organizations".

65. Article 4, "Equality of inhabitants irrespective of their attitude to religion", of the Law "On Religious Organizations" states that the direct or indirect restriction of a person's rights or the creation of advantages, infringement upon a person's feelings and incitement of hatred because of a person's attitude to religion are prohibited. It is further stated that no person shall be allowed to ignore the law because of his/her religious conviction. No reference shall be made to a person's attitude to religion or to his/her religious affiliation in identity documents issued by the State. Government and municipal authorities, non-governmental organizations, companies and businesses shall be prohibited to request information from their employees concerning their attitude to religion or religious affiliation.

66. Article 5, "Relations between the State and religious organizations", of the same Law further specifies that the State shall protect the legal rights of religious organizations as prescribed by law. The State, municipalities and their institutions, non-governmental and other organizations are not authorized to interfere with the religious activities of religious organizations. The State recognizes the right of parents and guardians to bring up their children in accordance with their religious creed. The Ministry of Justice is in charge of handling relations between the State and religious organizations and, if religious organizations so request, shall provide the required assistance in solving organizational, legal and other issues.

67. Sixteen different religious confessions have been registered in Latvia. A religious organization, including a congregation, can be founded by no less than 10 persons who have been registered with the Register of Inhabitants and have reached the age of 18. A religious organization, including a congregation, must be registered with the Ministry of Justice.

68. If a person has violated another person's right to religious freedom, the said person is criminally responsible under articles 137 and 138 of the Criminal Code.

69. Religion can be taught at State and local government schools to persons who have expressed a written request. Under-age persons submit such requests with the written consent of their parents or guardians.

70. The religion typical for the respective ethnic groups may be taught at their schools, supervised by the State and local government, if such requests have been expressed by the students and their parents.

The right to freedom of opinion and expression

71. By the Constitutional Law "The Rights and Obligations of a Citizen and a Person" everybody has the right to obtain and distribute information

freely and to manifest their opinions and ideas in oral, written or any other form. This right must not be restricted by censorship.

72. The Law "On the Press and Other Forms of Mass Media" guarantees that any person, any groups of persons, State institutions and legal entities in the Republic of Latvia may freely express their opinions and views, disseminate information through the press or other mass media, and have the right to receive information from these media concerning any problem of public interest.

73. No censorship of the press or other mass media is allowed, nor is any monopolization of the press or other mass media.

74. Under the Law "On the Press and Other Forms of Mass Media" it is prohibited to publish information disseminating racial, ethnic and religious preferences or intolerance.

75. The ethnic groups living in Latvia have the right to radio and TV broadcasts in their own language. On the second TV channel of Latvia (State owned) such broadcasts may take up to 20 per cent of the total broadcasting time; currently, due to the lack of financial resources, only 16 per cent are used. Latvian State Radio broadcasts 20 per cent of all the broadcasting time in languages other than Latvian.

76. Article 13 of the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" states that associations and organizations have the right to use public mass media, as well as to form their own mass media. The Government shall facilitate the publication and distribution of their periodicals and books.

<u>The right to freedom of peaceful assembly and association</u>

77. In accordance with the Constitutional Law "The Rights and Obligations of a Citizen and a Person" every person is guaranteed the freedom of peaceful assembly, meetings, marches and demonstrations if such have been announced in advance. Persons wishing to organize street marches, meetings or placing of pickets shall receive permission from the relevant municipality seven days prior to the planned event. The municipality in whose territory the event is planned may change the place and time, if so required for security interests and public order.

78. Article 5 of the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's Ethnicities and Ethnic Groups" grants all the permanent residents of Latvia the right to establish ethnic societies and associations. The State promotes their activities and provides material support. The process of forming ethnic societies began in 1988. The first were the Culture Society of Jews in Latvia and the Association of Poles of Latvia. These associations created an "umbrella" organization - the Association of the Ethnic Culture Societies - with the aim to fulfil the organizational functions required for the cultural development of ethnic groups. At present the Association unites 20 ethnic culture societies (some of them are functioning

outside the Association), and it has taken a permanent place in the public life of Latvia. In 1996 there were 5 Belarusian, 20 Jewish, 3 Estonian, 33 Russian, 8 Liv, 10 Lithuanian, 14 Polish, 4 Ukrainian, 12 German and 3 Gypsy culture societies in Latvia. They are acting in accordance with the provision of the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups".

79. The Law "On Non-Governmental Organizations and their Associations" provides necessary norms for establishing and dissolving non-governmental organizations without any distinction based on race, ethnic origin or colour. There are more than 3,000 non-governmental organizations active in Latvia.

80. Although political parties may be founded only by citizens, according to article 45 of the said Law, residents of Latvia having a permanent residence permit may be members of a political party.

The right to work

81. Article 23 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person" states: "Everyone has the right to freely choose his/her profession, occupation and employer." Article 22 of the same Law provides: "Everyone has the right to engage in an entrepreneurial activity which is not contrary to law."

82. Everyone is has the right to receive remuneration for work, in accordance with an employment contract, which is not lower than the officially set minimum wage (art. 24). Forced labour is prohibited, though compulsory military service and involvement in disaster management are not regarded as forced labour (art. 20). Article 25 prescribes that the maximum length of the working day is determined by law. Employees have the right to weekly days off and to annual paid vacations. Article 26 guarantees employees the right to strike. All these norms are further elaborated in the Labour Code.

83. Under article 3 of the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" the Republic of Latvia guarantees that all permanent residents of the Republic of Latvia enjoy equal rights to employment and remuneration for their work regardless of their ethnic identity. Any action which explicitly or implicitly restricts the opportunities of the permanent inhabitants to choose a profession or to be employed in accordance with the person's capacities and skills is prohibited.

84. The Latvian Labour Code, article 1, prescribes that "In the Republic of Latvia persons are guaranteed equality in their legal labour rights regardless of race, colour, sex, age, religious, political or other beliefs, ethnic or social origin and their property status." Article 15 of the Code further develops the non-discrimination principle set out in article 1 with regard to observation of this principle upon employing a person: "Upon employing a person, it is not permitted to apply implicit or explicit restrictions on rights, implicit or explicit preferences because of race, colour of skin, sex, age, religion, political or other views, ethnicity, social origin and property status, except the restrictions and privileges set by laws and other legislative acts." It is also prohibited to grant privileges in the employment contract because of race, colour, or ethnic origin. Article 7 of

the said law states that "Provisions included in employment contracts which make the conditions of the employees worse than those prescribed by labour laws of the Republic of Latvia shall be invalid."

85. The main labour rights of employees are listed in article 2, paragraph 1, of the Labour Code: "When signing an employment contract with the employer, the employee shall be entitled to:

- the remuneration for his/her work which is not lower than the minimum salary level set by the State;

- the rest as prescribed by laws on the limitation of the working day, the working week and on paid annual holidays;

- the right to safe and healthy employment conditions;

- the right to unite in trade unions;

- benefits from the State social security granted by the State at old age and in cases of illness, full or partial disability."

86. The Labour Code also lists all the cases when the employer may initiate the breach of contract. An employee has the right to submit an appeal to a labour committee or court against the decision of the employer.

87. Article 27 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person" lays down a rule that a person is entitled to receive an unemployment benefit if he/she has no other means of subsistence and the unemployment was not caused by any circumstances depending upon the person.

88. Protection against unemployment is implemented through the system of compulsory social security. Article 2 of the Law "On Social Security" lays down the basic principles of the social security system:

(a) Equal granting of social services regardless of sex, race, ethnicity and the religious belief;

(b) Solidarity;

(c) Social insurance and assistance;

(d) Prevention;

(e) Self-governance;

(f) Individual approach.

89. The social security system covers all persons who are permanently residing in Latvia.

90. The Law "On Compulsory Social Insurance Against Unemployment" prescribes the financial and organizational structure of the social insurance against unemployment, the procedure for accumulating insurance funds, the range of

insurance beneficiaries, their rights, obligations and liability for breach of the law. Foreigners and stateless persons who are employed by employers of the Republic of Latvia are subject to insurance rules like citizens of Latvia if not set otherwise by international agreements binding for Latvia.

91. There exist some differences between citizens and non-citizens as regards employment rights. Although these differences are not based on ethnic or racial grounds, the Government decided to mention this since issues of minorities and non-citizens are to a large extent overlapping. At the request of the parliamentary Committee on Human Rights, the National Human Rights Office (NHRO) undertook a major study of all differences between the status of citizens and non-citizens to determine whether they may be inconsistent with constitutional provisions and international obligations and to recommend revisions in legislation if necessary. The study, released in December 1996, identified 10 differences between the rights of citizens and non-citizens that the NHRO considered to be inconsistent with obligations under the International Covenant on Civil and Political Rights. These included restrictions on non-citizen employment as fire-fighters, armed guards, private detectives, members of airline crews and certified attorneys, as well as holding licences as pharmacists. In 1997 the restrictions on non-citizens working as fire-fighters, members of airline crews and pharmacists were removed, but the others remain in force, though they are under consideration in Saeima (Parliament). The NHRO found other differences to be consistent with international standards and practices that allow a State to limit government employment, political participation, and some property rights to those persons who are citizens.

The right to form and join trade unions

92. Article 31 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person" guarantees the freedom of association: "Everyone has the right to form public organizations and to participate in their activities if the goals and practical actions of such organizations are not contrary to law. It is prohibited to form secret organizations and armed units not subject to the jurisdiction of State authorities or administration." Article 44 of this Law also provides that this right may be restricted in the interests of national security and for maintaining public order and peace.

93. Trade unions may be formed according to trade sectors, territories or other principles. Employers may form their own unions. Their forms of operation, organizational structure and the formation procedure are determined and regulated by the charter adopted by the trade unions themselves and by the Law "On Trade Unions".

94. Article 1 of this Law provides that the permanent residents of Latvia have the right to form trade unions. Article 1, paragraph 2, defines the concept of trade unions and the main principles of their operation: "Trade unions of the Republic of Latvia shall be independent public organizations which advocate, represent and protect the labour right and other social and economic rights and interests of their members in compliance with the Law 'On Trade Unions' and other laws effective in the Republic of Latvia, and with the

Charter of the Republic of Latvia Trade Unions, and in observance of the principles and norms laid down in the Universal Declaration of Human Rights and other international instruments and conventions."

95. Article 229 of the Labour Code prohibits any action aimed at achieving direct or indirect subordination of employees' trade unions to State, municipal or other authorities, or at hindering the operation of unions which have been guaranteed by law and the Trade Union Charter.

96. Trade unions have the right to seek membership in international trade union organizations and to conclude agreements or contracts with them and with trade unions of foreign countries.

97. A trade union can be registered if it comprises at least 50 persons or no less than one fourth of those employed in a company, office, organization, profession or sector.

The right to housing

98. A person may exercise his/her right to housing by concluding a tenancy agreement or by purchasing an apartment. In the first case the provisions governing renting housing and the legal relations between the owner and the tenant are set by the Law "On Leasing of Living Space". In the second case the Civil Law, the Law "On Ownership Rights to Apartments" and the Law "On Privatization of State and Municipal Housing" and also the relevant regulations issued by the Cabinet shall apply.

99. The Law "On Leasing of Living Space" includes provisions to be observed in all cases of leasing living space regardless of the type of ownership. The Law defines the legal relations between the apartment owner and the tenant and the rights and obligations of both; it specifies the procedure for signing, amending and breaking the tenancy contract. The subjects of such contract are also defined by this Law: any natural or legal person who holds ownership or tenancy rights to an apartment or a living house may lease the respective living space; any natural person who permanently resides in the Republic of Latvia or has obtained a valid permit of residence may become a tenant or a subtenant.

100. A trustee will sign a tenancy or a subtenancy contract for an incapacitated person, and the trustee's consent is required for a partially incapacitated person to conclude a tenancy contract.

101. The Law "On Ownership Rights to Apartments" defines the concept of apartment. Under this Law an apartment property in a multiapartment house where apartments belong to various owners is defined as a property consisting of separately owned apartments and the inalienable jointly owned part of the apartment house. Under this Law the owner of an apartment may be a natural or a legal person who has legally obtained ownership rights to an apartment in a multiapartment house where various apartments belong to various owners, if these rights have been properly registered.

102. A way to exercise the right to property is through the privatization of State-owned or municipal housing, leading to the development of a real estate

market and better maintenance of housing. The Law "On the Privatization of State-Owned and Municipal Housing" provides for several housing privatization methods: purchasing of the property unit under a tenancy contract or purchasing at a privatization auction; the landowner may buy property at a public privatization auction.

103. The Law "On Housing Support Granted by the State and Local Governments" defines the range of persons (families) who are entitled to housing support granted by the State or municipalities, regardless of the type of property of the relevant housing, and also prescribes the procedure for rendering this support. The purpose of this Law is to grant State support and also to place an obligation on municipalities to render housing support to the inhabitants. Under the Law the State and the local governments may offer the following types of housing support to individuals (families):

(a) Leasing of State-owned and municipal apartments as prescribed by this Law;

(b) Partially reimbursing rent and utility services payments to tenants as prescribed by article 15 of this Law;

(c) Reorganizing of communal apartments into individually rented apartments.

104. The right to receive State and municipal housing support is granted to citizens of the Republic of Latvia and also to foreigners and stateless persons registered and permanently residing in the Republic of Latvia or having permanent residence permits in the Republic of Latvia.

The right to public health, medical care, social security and social services

105. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" guarantees the right to material security in old age, during illness or in the event of partial or complete disability or the loss of the breadwinner.

106. The Law "On Social Security" is a core document which sets out principles of the social security system in Latvia. Under this Law everyone is granted the right to a certain minimum of preventive or curative health care. Health care, like social insurance and security, is regarded as part of the social system, at the same time including the principle that services are granted regardless of race or ethnicity. Relations between parties in medical treatment are regulated by the "Medication Law" of 1997.

107. It is the obligation of every person to protect, improve and take care of his/her own health and of the health of the person's closest relatives and dependants; everyone is entitled to choose his/her doctor and the institution of medical treatment in Latvia; every medical patient is entitled to high-quality treatment and care and a kind and respectful personal attitude. The State guarantees every inhabitant the right to receive primary and emergency medical care.

108. The work of medical practitioners is regulated by the above-mentioned "Medication Law". It is the obligation of any medical practitioner to give primary and emergency medical care to any person whose life is in danger. Any medical practitioner has to respect the right of a patient to self-determination and has to obtain the patient's consent to treatment; therefore, it is the duty of any medical practitioner to give the patient exhaustive information in an understandable way concerning the patient's condition, the planned examination and treatment, the methods of treatment and the expected results.

109. Inhabitants of Latvia may freely choose the medical practitioners who will give them medical treatment. Any patient has the right to change his/her medical practitioner. In order to register with a medical practitioner or receive medical care, the patient has to present his/her identity document with the personal identification number (the registration number in the case of a foreigner in the Population Register of Latvia, or a stateless person).

110. The minimum level of medical aid guaranteed by the State and financed by the State and local governments is granted to the residents of Latvia, including foreigners and stateless persons whose passports bear their personal identification number and who have been registered in the Population Register of Latvia, and also to persons in detention, in custody before trial or in penitentiaries. Other medical care of such persons is covered by insurance companies, the employer, the patient him/herself or from other funds as provided by law.

111. For foreign citizens and stateless persons whose passports do not bear the personal identification number and who have not been registered in the Population Register of Latvia but who are legally residing in the Republic of Latvia, the costs of medical care and forensic medicine expertise are covered by the person him/herself or an insurance company, if not agreed otherwise by international agreements or by the person who signed the invitation for obtaining the entry visa if that person has guaranteed the payment of any medical care expenses of the foreign citizen or stateless person.

112. The cases where the minimum level of medical services is to be provided at the cost of the State compulsory health insurance are: emergency, accidents endangering the life of the victim, poisoning, injuries, acute illness, acute state of chronic diseases and other cases. If the required medical aid exceeds the minimum level set by the State, the patient pays his/her share to partly cover the costs of treatment. Since its founding in 1991 the Inspectorate of Health and Disability has not received any complaints from patients about being denied care or given poor quality care because of race, ethnicity or origin.

113. The right to social insurance is granted to everyone by law. A person who has been insured by a social insurance agency is entitled to receive care necessary to protect, maintain, improve and renew his health and working capacity, and is entitled to material benefits in case of illness, maternity, disability, old age and unemployment.

114. The Law "On Social Security" supports equal opportunities for everybody's free personal development regardless of race, sex and ethnicity. This Law covers all persons permanently residing in the territory of Latvia.

115. The Law "On Social Aid" provides that all permanent residents of Latvia are entitled to social aid. The main types of social aid are social care, material support and social rehabilitation.

116. Social aid services include services, cash payments and material benefits provided to the inhabitants by State and local government institutions and by other natural or legal persons at social care institutions or at home (home care is provided to persons of retirement age and mentally or physically impaired persons).

117. The State-granted social benefits may be paid recurrently or may be single payments. The recurrent benefits and allowances are: State social security benefits, childcare benefits, family benefits, child subsistence benefits payable to guardians, benefits payable to guardians for fulfilment of their duties, transportation benefits payable to disabled persons with impaired movements. The single payment benefits are: childbirth benefits and funeral benefits. Local governments provide social benefits to low-income families, social care benefits, rent and utilities benefits and funeral benefits.

118. There are 81 social care institutions in Latvia which can accommodate 8,427 people: these institutions include 7 specialized centres maintained by the State (accommodating 1,130 people); 21 old-age homes for mentally impaired people, 53 old-age homes which are maintained by municipalities and 2 day care centres for mentally impaired persons financed jointly by the State and municipalities.

119. The Law "On Compulsory Social Insurance against Unemployment" defines the range of persons subject to such insurance:

(a) Persons who are employed, or are civil servants;

(b) Persons maintained by the State, including servicemen in the military service;

(c) Mothers or other persons bringing up children under 18 months;

(d) Persons serving sentences in places of imprisonment;

(e) Apprentices during their professional training at individual (family) business companies which have been registered with the Latvian Chamber of Crafts.

120. Social insurance does not cover:

(a) Employees who are eligible for an old-age or service pension or who receive a disability pension;

(b) Persons performing an urgent, short-term, limited amount of work receiving remuneration immediately after completing the work if such work does not require more than 43 hours per month or 10 hours per week per person;

(c) Persons under 15 years of age;

(d) Self-employed persons.

121. Foreign citizens and stateless persons employed by employers of the Republic of Latvia and in the Republic of Latvia are subject to insurance like the citizens of Latvia, if not agreed otherwise by international agreements approved by the Saeima (Parliament).

122. The compulsory social insurance against accidents at work and occupational diseases covers:

(a) Insured persons who have concluded an employment contract with an employer;

(b) Students of educational institutions who receive field training during their studies;

(c) Servicemen performing compulsory military service.

123. The social insurance of a person (an employee; a self-employed person or his/her family member; a person whose activities may be regarded as employment; a resident who is legally employed by a non-resident) who is not younger than 15 years of age is valid if the person has paid the social tax or it has been paid for that person. Social insurance covers also those persons who have been insured for the required length of service as prescribed by the Law "On State Pensions".

124. Persons for whom the compulsory State pension insurance payments have been made are entitled to State social insurance pensions. Persons who have reached the age of 15 and who permanently live in the territory of Latvia are subject to such insurance.

125. Men and women who have reached the age of 60 and have been insured for not less than 10 years are entitled to an old-age pension. Women who are 55 are entitled to an early old-age pension if they have been insured for at least 10 years.

126. Insured persons who have been recognized as disabled, except due to accidents at work or occupational diseases, are entitled to a disability pension before reaching the above age.

127. Natural persons (including foreign citizens and Stateless persons, if not stated otherwise by international agreements approved by the Saeima) are eligible to receive maternity, sickness and funeral benefits, if they are legally employed by legal or natural persons in the territory of Latvia or are serving in the State civil service and for whom social insurance payments have been made.

The right to education and training

128. In order to fully understand the legacy of 50 years of Soviet rule, it is instructive to review the development of Latvia's two school subsystems, each with its own language of instruction.

129. Immediately after re-establishing Soviet control over the territory of Latvia in late 1944, Russian language departments were created in institutions of higher education. Soon after, all departments had sections with Russian as the language of instruction, and each school with Russian children enrolled introduced classes with Russian as the language of instruction. The ground was prepared to provide education in Russian for the immigrants who massively arrived in Latvia from different parts of the Soviet Union. They settled mostly in cities and Russian-language schools were founded alongside with Latvian-language schools. Children in Russian-language schools were educated according to the Russian 10-year school programme.

130. To a large extent Latvian schools lost autonomy, as Moscow established the entire curriculum. Latvian schools had an 11-year programme, which was supposed to allow Latvian students sufficient time to learn Russian. Children in Latvian schools had Russian lessons four times a week for 10 years, while children in schools with Russian as the language of instruction had Latvian lessons twice a week for 9 years. A political climate that stressed the importance of Russian as a lingua franca in the Soviet Union contributed to the inadequate attention given to providing quality Latvian lessons in schools with Russian as the language of instruction.

131. Upon the restoration of independence, Latvia inherited schools with two different languages of instruction. The challenge Government faced was enormous, both for schools with Latvian and Russian as the language of instruction. The new curricula had to be worked out, with a particular emphasis for schools with Russian as the language of instruction on Latvian language training, because they had to ensure that upon graduation students had adequate language skills. The legal framework for education is still the Law on Education adopted shortly before independence in June 1991. It is clear that this Law no longer meets all the challenges the Latvian educational system is facing today.

132. The Government was unprepared to carry out a speedy reform of the educational system due to psychological, pedagogical and financial constraints. Only in 1995 was a new "Education Conception" approved by the Cabinet of Ministers. It develops further the principle that education can also be received in the native language and it prescribes that the Government and the local governments have to participate in the creation and financing of ethnic minority schools (art. 1.2.6). The same "Educational Conception" includes ethnic and domestic components (art. 1.3.4). The ethnic component gives particular attention to the native language, history, literature, art, etc.; the domestic component embraces the range of subjects necessary to a person who is preparing to live and work in Latvia, hence learning Latvian history, geography, traditions, etc.

133. The new draft Law on Education has passed the first reading in Saeima (Parliament), has received many amendment proposals and will likely be

prepared for the second reading in September 1998. It provides for a unified educational system with the Latvian language as the language of instruction, and gives the legal framework for minority education in the native language.

134. Even before the restoration of independence a certain number of minority schools were established and are assisted by the State. At present there are State-supported schools or classes with languages of instruction for the following groups: Russian, Polish, Jewish, Ukrainian, Estonian, Lithuanian, Roma (Gypsy) and Belarusian. The ethnic minority schools are provided with textbooks published both in Latvia and in the country of the respective ethnic origin particularly for teaching ethnically related subjects. If requested by an ethnic minority, the school teaching material published in the State language is translated into the minority language. The translated material includes textbooks, teaching aids and students' workbooks approved for use in the Latvian schools.

135. The parents have the right to choose an educational establishment with any language of instruction if the child has adequate language skills. Educational standards in various subjects have been harmonized throughout the country and they are the same for both the Latvian and the minority schools. In the minority schools the programmes of history, geography, the native language and literature have been brought into line with those of the country of origin of the students.

136. Every year the Ministry of Education and Science develops a model programme of subjects and courses for the basic and the secondary general schools to balance the teaching of the ethnic minority language and the State language in minority schools (in the basic schools the State language is taught three hours a week on average and the ethnic language eight hours a week; in the secondary general schools the number of hours is four and five, respectively).

137. Article 38 and 39 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person" guarantees that "everybody has the right to education. The State guarantees an opportunity for everyone to be educated free of charge to the compulsory level and provides further education in accordance with every person's capabilities. ... The parents are obliged to ensure the education of their children in accordance with the children's capabilities and the compulsory education requirements."

138. Under the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" the State promotes the creation of material conditions for the development of education, language and culture of the ethnic groups living in the territory of Latvia, and allocates certain budgetary means for this purpose. Issues regarding the education of national and ethnic groups are regulated by the Law "On Education". National Culture Associations also have the right to establish their own educational institutions.

139. Under the Law "On Local Governments" both rural and urban municipalities are made responsible for providing educational opportunities in their territories, i.e. they have to determine the number of school-age children in

their territories and to provide places for them in educational institutions, to open educational institutions and to ensure their proper functioning.

140. Article 3 of the Law "On Education" formulates the basic principles of education: "The inhabitants of the Republic of Latvia shall have equal rights to education regardless of their social or property status, race, ethnicity, sex, religion or adherence to political organizations, occupation, or place of residence". The Law "On Higher Educational Institutions" provides that every legal resident of Latvia has the right to study in a higher educational institution.

141. The language of instruction at educational establishments is regulated by the Language Law. This Law guarantees that education can be received in the State language, also granting the right to the representatives of other ethnic groups to be educated in their native languages.

142. As noted in the UNDP Latvian Human Development Report, 1995, "the acquisition of Latvian language skills will not only promote the integration of non-Latvians, but provide them the opportunity to participate fully in the political, social and economic life of the country... This will help to overcome the linguistic segregation and asymmetric bi-lingualism created by Soviet language policy and promote ethnic harmony, which is an essential precondition for future human development."

143. A change in the hierarchy of languages requires considerable time and substantial funding. Simultaneous reforms in the spheres of education and language require much time and resources. The Latvian Government turned to the United Nations Development Programme to request assistance in the development of a Latvian Language Training Programme.

144. Based on the school and adult education curricula developed by the UNDP Latvian language mission, the programme includes the following objectives:

Retraining teachers and instructors in institutions of higher education;

Retraining Latvian language teachers in minority schools;

Retraining teachers in minority schools who have to teach subjects in Latvian;

Training textbook authors and designing new textbooks;

Providing intensive courses for those ninth grade graduates not covered by the programme;

Developing a new examination system.

145. The Latvian language training programme for adults who wish to acquire or supplement their Latvian language skills include:

Development of new teaching materials, including a teaching programme for television;

Retraining of experimental instructors and teachers;

Experimental instruction for specific professions;

Using television and other mass media to attract interest in Latvian language training events.

146. On 6 December 1996 the Latvian Government signed a project with UNDP for $3.2 million in international assistance to support the implementation of the first two years of the National Programme for Latvian Language Training. In addition to UNDP, funding also comes from the Governments of Denmark, Finland, the Netherlands, Norway and Sweden, as well as from the European Commission. Assistance with the teaching materials is also provided by the United Kingdom's Know How fund. This project is designed to enhance social integration in Latvia by providing broader access to Latvian language training for non-Latvian-speaking residents of Latvia. The multi-tier project utilizes the modern teaching concept of "Latvian as a Second Language" to minority school students and adults.

147. By September 1997 the core body of teachers for Latvian language education had received the necessary training; new textbooks have been prepared for students of Latvian and handbooks for teachers. New TV materials for learning Latvian have also been developed.

The right to equal participation in cultural activities

148. The cultural autonomy and equal participation of ethnic minorities in the cultural life of Latvia is guaranteed by the Constitutional Law "The Rights and Obligations of a Citizen and a Person" and the Law "On Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups". The former Law states that it is the responsibility of every person to respect the traditions and customs of the Latvian people and of the ethnic groups living in Latvia, and to respect the national pride of other persons (art. 41). Under the provisions of article 11 of the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" Latvia promotes the opportunities for its permanent residents to receive higher education outside Latvia in their native language, proceeding from international agreements.

149. Ethnic minorities living in Latvia have set up cultural societies to retain their culture, ethnic identity and traditions, as well as to promote contacts with their ethnic homelands. In 1992 the Latvian Ministry of Education and Science approved the educational programme for ethnic groups. Minorities are given an opportunity to establish schools with instruction in their native languages and in Latvian, to be supported by the State and local governments.

150. As a coordinating body for the National Culture Societies, the Association of the National Culture Societies was created in 1988 and is still playing an important role in the peaceful development of a multicultural society in Latvia. The latest important event organized by the Association was the national conference "The Role of the National Culture Societies Towards a Civil Society" in April 1998.

151. A certain contribution to cultural autonomy is made by bilateral agreements signed between Latvia and the countries of origin of ethnic groups concerning the sphere of culture and education: with Poland and Germany in 1993, Israel, Lithuania and Estonia in 1994, Russia and Ukraine in 1995. An agreement is being prepared to be signed with Belarus.

152. In 1995 the Parliament of Latvia approved the concept document named "Main Cultural Policy Postulates of Latvia" which states that "in its cultural policy the Latvian State supports natural coexistence and interaction of cultures based on the principles of mutual respect and tolerance. The State guarantees free cultural development for Latvia's ethnic groups, and creates conditions which enable the representatives of other nations to freely choose integration into Latvian culture. In its policy the State adheres to the principle of cultural autonomy".

Article 6

153. Latvia has had a three-level court system since 31 March 1995, as follows:

Regional (town) courts try civil, criminal and legally administrative cases;

District courts try those civil and criminal cases that fall within its authority according to the law; district courts are also the courts of appeal for those cases that have been tried by regional (town) courts;

The Supreme Court is the Court of Appeal and Cassation for all cases tried by district courts and regional (town) courts.

154. The establishment of the Satversme Court (Constitutional Court) in 1996 completed the judicial reform in Latvia. The Court, inter alia, is empowered to review compliance of the national legal norms with the provisions of international agreements in force for Latvia. The law does not empower the individual in his/her own capacity to lodge a complaint on the violation of international provisions with the Constitutional Court.

155. Two verdicts of the Satversme Court are in force now. One of them is on the application of article 81 (see annex 2) of the Satversme (Constitution of Latvia). The other is on the conformity of Regulations of the Cabinet of Ministers to the Law "On the Prevention of Corruption". The Cabinet of Ministers lost both cases.

156. The National Human Rights Office, founded in 1995, inter alia, inquires into allegations of individual human rights violations in both the public and private sectors. The Office examines every individual complaint about the violation of human rights and makes an independent investigation into the possible and actual violation; it conducts surveys and develops programmes in order to encourage the respect of human rights; it studies real situations, particularly those concerning the interests of vulnerable groups of society

(e.g. children, physically or mentally impaired persons). The Office regularly submits reports to the Saeima and the Cabinet of Ministers advising improvements of national legislation and measures to be taken for the implementation of human rights principles in the country.

157. The person who has incurred material losses as a result of a crime can submit a civil claim in the criminal case (article 101 of the Criminal Procedure Code).

Article 7

Education and teaching; culture

158. Representatives of ethnic groups may develop their artistic skills in drama, painting and music in 130 State-financed music and art schools to which they have equal access alongside with Latvians. The proportion of Latvian and other students in these schools varies depending on the demographic structure of the respective district. In the Kraslava Music School situated in eastern Latvia (Latgale) the proportion of Latvians is 100 out of 271 students, in the Daugavpils Music School the proportion of Latvians is 60 students out of 238 in total. In northern Latvia (Vidzeme), on the contrary, the number of Latvian students in music schools is larger, e.g. in the Aluksne Music School there are 189 Latvians out of the total number of 247 students.

159. There are various ethnic music groups performing in Latvia, in particular Russian, Gypsy, Ukrainian and others. Alongside the numerous Latvian folk dance groups, there are many dance groups which unite representatives of one particular ethnic tradition. The major Latvian cultural event - the Song and Dance Festival - which occurs every four years, for the first time in 1998 widely welcomed ethnic artistic groups, thus promoting integration through the powerful means of collective art. It is noteworthy to mention that the audience at the main open concert area is nearly 100,000 people.

160. Resources from the State budget are apportioned annually for financing ethnic culture societies. The State subsidizes the Riga Russian Theatre, the Daugavpils Theatre and the State Puppet Theatre, about 50 per cent of whose performances are in Russian.

Information

161. The National Human Rights Office has issued informative materials in various forms: brochures containing information about the rights of a person in case of detention entitled "Do You Know Your Rights?" (in Latvian and Russian), "Local Governments: Rights and Obligations" (in Latvian and Russian) and booklets - "Violence at Home" and "Your Human Rights" (in Latvian and Russian).

162. The Ministry of Justice has prepared and issued comprehensive informative material, "National and Ethnic Groups in Latvia".

163. UNDP, UNHCR, UNESCO and UNICEF have opened offices in Latvia which are functioning with good results. Publications about human rights issues have appeared and have been made available to any member of society: "Guidebook of Human Rights Tolerance", "Human Rights Album" (published by the EU), "Concise Explanation of the European Convention for the Protection of Human Rights" and "Multiculturalism in Latvia" (published by the Multiethnic Culture Centre) and others.

List of Annexes

1. Reference sources

2. Collection of Legislative Acts and Informative Material (1997)